



**CITY OF ILWACO  
CITY COUNCIL MEETING  
Monday, August 27, 2012**

**A. Call to Order**

Mayor Cassinelli called the meeting to order at 6:02 p.m.

**B. Flag Salute**

The Pledge of Allegiance was recited.

**C. Roll Call**

Present: Mayor Cassinelli and Councilmembers Jensen, Mulinix, Marshall, Chambreau and Forner.

**D. Approval of Agenda.**

**ACTION: Motion to approve agenda (Mulinix/Forner). 5 Ayes 0 Nays 0 Abstain.**

**E. Approval of Consent Agenda**

Including Checks 34519 to 34520 + electronic totaling \$16,510.97 and Checks 34521 to 34551 totaling \$81,160.78.

**ACTION: Motion to approve the consent agenda with addition of check #34552 for \$9429.74 and #34553 for \$6286.00 for a grand total of \$113,387.49 (Forner/Chambreau). 5 Ayes 0 Nays 0 Abstain.**

**F. Reports**

**1. Staff Reports**

- a. Treasurer Elaine McMillan provided a written report and pointed out a correction.
- b. Police Chief Flint Wright noted the foam party that was held.

**2. Council Reports**

- a. Councilmember Jensen suggested drivers avoid using School Road while construction is under way.
- b. Councilmember Mulinix had attended various meetings.
- c. Councilmember Chambreau noted that he attended the park opening.
- d. Councilmember Forner had attended the special council meeting.

**3. Mayor's Report**

Mayor Cassinelli reported he attended the special meetings held and the recent changes in fishing.

**G. Public Hearings**

**1. First Addendum to Development Agreement for MSW/Overlook Trails**

The mayor opened the hearing at 6:21 p.m. and closed it at 6:22 p.m.

2. **Conditional Use Permit for Nonconforming Uses**

The mayor opened the hearing at 6:22 p.m. and closed it at 6:23 p.m..

3. **Variance for Port of Ilwaco Boatyard Building**

The mayor opened the hearing at 6:23 and closed it at 6:24 p.m.

**H. Comments of Citizens and Guests present**

1. Austin Autelett gave a description of his Eagle Scout project to restore and move docks from the Port to Black Lake.

**I. Business**

1. **New appointment to Ilwaco Planning Commissioner**

Mayor Cassinelli appointed and conveyed the oath to Natasha Nesbitt for vacant Planning Commission Position #4.

**ACTION: Motion to confirm the mayor's appointment of Natasha Nesbitt to the Planning Commission (Marshall/Forner). 5 Ayes 0 Nays 0 Abstain.**

2. **First Addendum to Development Agreement for MSW/Overlook Trails**

Council member Jensen questioned whether the agreement was legal. It was pointed out the minor change and the information from the city attorney.

**ACTION: Motion to adopt the proposed resolution approving the First Addendum to the Development Agreement with MSW Ventures, LLC, and Overlook Trails, LLC, based on the staff recommendation of the city planner, and to authorize the mayor to execute the agreement (Chambreau/Forner). 5 Ayes 0 Nays 0 Abstain.**

3. **Conditional Use Permit for Nonconforming Uses**

City Planner Alejandro Bancke discussed the additional conditions that the Planning Commission was recommending. Discussion ensued. It was recommended that a letter be sent.

**ACTION: Motion to include a suitable letter with the conditional use permit (Marshall/Jensen) 5 Ayes 0 Nays 0 Abstain.**

**ACTION: Motion to approve the Conditional Use Permit requests for the Sea Dog Deli, First Avenue Boat and RV Storage, Jerry Cutting and On Your Mark Fitness based on the recommendation of the Planning Commission and the findings and conclusions of the city planner (Marshall/Jensen). 5 Ayes 0 Nays 0 Abstain.**

4. **Acceptance of credit/debit cards for all utility services and allowing customer initiated internet transactions**

Councilmember Marshall questioned the approximate costs of all of the credit card services currently offered. Councilmember Jensen asked how the city can get out of the arrangement, if necessary.

**ACTION: Motion to adopt the proposed resolution authorizing acceptance of credit and debit cards for payment of the utility services, and directing the city treasurer to maintain a Credit Card Acceptance Policy (Marshall/Chambreau). 5 Ayes 0 Nays 0 Abstain.**

**ACTION: Motion to authorize the mayor to execute the proposed Internet Addendum to the current credit and debit card merchant agreement (Chambreau/Fornier). 5 Ayes 0 Nays 0 Abstain.**

**5. Resolution authorizing receipt of State Revolving Fund loans**

Discussion ensued regarding the debt refinance. While payments will increase, the city will have one year before the first payment is due and the term of the loan will be shortened.

**ACTION: Motion to adopt the proposed resolution authorizing the city to participate in the Department of Ecology SRF Loan Program for the First Avenue North Sewer Improvements, Wastewater Plant Debt Refinance and Sahalee Sewer Improvements (Mulinix/Chambreau). 5 Ayes 0 Nays 0 Abstain.**

**6. Ordinance appointing Michael S. Turner as Municipal Court Judge**

Discussion ensued regarding whether it should be for four years or just for the remainder of the current term.

**ACTION: Motion to adopt the proposed ordinance confirming the mayor's appointment of Michael S. Turner as Ilwaco Municipal Court Judge and authorize the mayor to enter into a contractual agreement for the city's municipal judicial services to complete the existing agreement of Judge Penoyar's contract (Jensen/Marshall). 5 Ayes 0 Nays 0 Abstain.**

**7. Contract with William Penoyar as Prosecuting Attorney**

**ACTION: Motion to confirm the mayor's appointment of William Penoyar as Ilwaco Prosecuting Attorney and authorize the mayor to enter into a contractual agreement for the city's prosecuting attorney services to complete the contractual agreement currently established with Michael Turner (Marshall/Mulinix). 5 Ayes 0 Nays 0 Abstain.**

**K. Discussion**

**1. Variance for Port of Ilwaco Boatyard Building**

City Planner Alejandro Bancke explained the project. Councilmember Fornier questioned how this slipped by without obtaining a variance. Councilmember Jensen explained how the existing encroachment was not being extended.

**ACTION: Move to business at next meeting.**

**2. Ordinance appointing Michael S. Turner as Municipal Court Judge**

**ACTION: Motion to move to business (Fornier/Jensen). 5 Ayes 0 Nays 0 Abstain.**

**3. Contract with William Penoyar as Prosecuting Attorney**

**ACTION: Motion to move to business (Marshall/Jensen). 5 Ayes 0 Nays 0 Abstain.**

**4. Resolution and ordinance amending the sewer rate structure and fee schedule**

Citizen Gail Moore asked if there was a reason that this potential plan was selected. Various council members felt that there had been much discussion, that the proposal was simple to understand, that the staff felt it would be less difficult to carry out, and that the form needed to be developed to allow for appeals on water meter size to be billed.

Councilmember Marshall expressed his views that there was agreement on billing on flow and that there will be a base charge. He provided an example of how his proposal differed from the meter size proposal presented. Discussion ensued regarding the potential appeals on meter size charges and the winter averaging for residential consumption. A public hearing will be scheduled for the next meeting.

**ACTION: Move to business at the next meeting.**

**5. Keeping of chickens within city limits**

Discussion ensued regarding the work done on the legislation.

**ACTION: Move to business at the next meeting.**

**J. Correspondence and Written Reports**

1.

**K. Adjournment**

**ACTION: Motion to adjourn the meeting (Chambreau/Mulinix).** Mayor Cassinelli adjourned the meeting at 7:35 p.m.

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Mike Cassinelli, Mayor

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Elaine McMillan, Treasurer